

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APOLONIA REYES DE PAULINO, both
individually and on behalf of all other similarly
situated persons,

Plaintiff,

v.

EXTENDED AT HOME CARE, EXTENDED
NURSING PERSONNEL CHAA, LLC, and
EXTENDED HOLDING COMPANY, LLC,
d/b/a EXTENDING AT HOME CARE,
EXTENDED HOMECARE, and EXTENDED
HOME CARE.,

Defendants.

No. 23-CV-4199 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 14, 2024, the parties filed a stipulation of dismissal with prejudice as to Defendant Extended Nursing Personnel CHHA, LLC. *See* Dkt. No. 45. The stipulation stated that, pursuant to an agreement between the parties, “Plaintiff Apolonia Reyes de Paulino hereby voluntarily dismisses with prejudice [under Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure] all claims and causes of action against Defendant Extended Nursing Personnel CHAA, LLC.” *Id.*

No later than May 6, 2024, the parties shall submit a joint letter to the Court, clarifying whether the parties have reached a settlement and, if so, why the requirements of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), are not applicable. *Id.* at *206 (holding that “Rule 41(a)(1)(A)(ii) stipulated dismissals settling FLSA claims with prejudice require the approval of the district court or the DOL to take effect”); *Samake v. Thunder Lube*,

Inc., 24 F.4th 804, 811 (2d Cir. 2022).

SO ORDERED.

Dated: April 5, 2024
New York, New York

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Hon. Ronnie Abrams
United States District Judge